

Monroe County District Attorney Sandra Doorley

July 28, 2023



Contact Us

Monroe County District
Attorney's Office

47 S. Fitzhugh Street
Rochester, NY 14614

(585) 753-4780



Monroe County District Attorney's Office

Weekly Newsletter



Welcome to the weekly newsletter from Monroe County District Attorney Sandra Doorley.

Message from Sandra Doorley

What is a dismissal?

With the most recent data release from the Office of Court Administration, there have been questions surrounding dismissal rates. Dismissals are a part of the criminal justice system in the same way as pleas, convictions, and acquittals.

In Monroe County, police departments make arrests and file charges. For felony arrests, we present these cases to a grand jury to determine if there is enough evidence to move forward with a criminal case. A case is either indicted or No Billed. This is why the dismissal rate of felonies is low, approximately 4% since November 2020, according to the OCA-Stat Act Dashboard.

It makes sense that the dismissal rate of misdemeanors is higher. These charges are filed and assigned to a Local Court ADA. Without grand jury review, these cases, which were approximately 8,400 in 2022, have a variety of dispositions. Oftentimes, dismissals are the appropriate results, sometimes they are in our control, sometimes not.

According to our internal data from 2019-2022, an average of 19.6% of misdemeanors were dismissed and another 19.5% were adjourned in contemplation of dismissal, or ACD. Why do these happen?

ACDs are a frequent disposition for misdemeanors, especially first time-offenders. ACD means that if the defendant keeps a clean record for 6 months, their case is dismissed. Looking at our ACDs, the most common charges we see include petit larceny and various criminal traffic offense. In cases where there is a victim or any harm to an individual – we are far less likely to offer an ACD resolution.

But what about outright dismissals? There are several factors to consider. First, a judge can dismiss a case if he or she determines that there is not sufficient evidence to move forward with the charge. We, as prosecutors, can make that request, or a judge may order the dismissal over our objections. A second factor in these cases includes a lack of cooperation from a victim or witness. This can include a victim not cooperating or a witness unable to

Homicide Update

So far in 2023:

City of Rochester Total: 28

Monroe County Total: 32

testify in court. Especially with misdemeanor charges, a single witness or victim testimony can be the entirety of a criminal case.

As you can see below, while the number of misdemeanor arrests has decreased, the percentage of dismissals remains the same. You have heard us discuss the intense discovery obligations since 2020, misdemeanors are not exempt from these requirements and the numbers reflect these reforms. Our new discovery obligations are tied to speedy trial timelines (90 days for a misdemeanor), and as such, with the heavy burden of discovery, some cases are dismissed based on these speedy trial considerations.

The numbers below capture the misdemeanors assigned to our Local Courts Bureau:

Misdemeanor Dismissals			
	Total Cases	Dismissals	Percentage
2019	11,665	2,064	17.70%
2020	9,925	1,946	19.60%
2021	8,383	1,991	23.70%
2022	8,457	1,482	17.50%

Misdemeanor ACDs			
	Total Cases	ACDs	Percentage
2019	11,665	2,172	18.60%
2020	9,925	1,785	18%
2021	8,383	1,822	21.70%
2022	8,457	1,673	19.80%

We do our absolute best to prosecute as many of these misdemeanor cases as we can. We will continue to prioritize the misdemeanors where victims are involved or the defendant is a repeat offender. Just because a case is a misdemeanor does not mean the case is not serious. A harassment charge can represent a victim living in fear. A repeat petit-larcenist can represent someone struggling with substance abuse. These cases are important, we treat them as such.

With extra positions from Monroe County, I am able to hire more Assistant District Attorneys to lessen the heavy caseload on these attorneys. This will give ADAs more time to speak with victims and witnesses while preparing their cases for court.

Thank you for taking to time to read my interpretation of the OCA numbers. I look forward to further diving into our data.

Sandra

Highlights from the MCDA's Office

33-year-old **Isaac Hubbert** was convicted by a Monroe County jury of Criminal Contempt in the 1st Degree and four counts of Aggravated Family Offense for violating an order of protection on four separate dates during the month of December, 2022. At the time of the offenses, he was also on parole for a sex abuse charge. This case was investigated by the Greece Police Department and the New York State Division of Parole. Isaac Hubbert will be sentenced on August 24, 2023, in front of New York State Supreme Court Justice Argento. This case was prosecuted by Assistant District Attorney Jessica Wagner, of the Domestic Violence Bureau.

20-year-old **Jailyn Johnson** pled guilty to Manslaughter in the 1st Degree and Criminal Possession of a Weapon in the 2nd Degree for the shooting death of 15-year-old Ja'Mere Wade. On the night of November 2, 2021, in front of 24 Peckham Street in the City of Rochester, 15-year-old Ja'Mere Wade was shot and killed with a .40 caliber semi-automatic pistol. After an extensive investigation, the Rochester Police Department's Major Crimes Unit identified Jailyn Johnson as the perpetrator of the fatal shooting. Upon his arrest, Jailyn Johnson was located with a separate illegal weapon in his residence. Jailyn Johnson will be sentenced on August 23 by Monroe County Court Judge Dollinger to 25 years in the New York State Department of Corrections plus 5 years of post-release supervision. The case was prosecuted by Senior Assistant District Attorney Anthony Freeman, of the Major Felony Bureau.

32-year-old **Christopher Williams** was sentenced by New York State Supreme Court Justice Alex Renzi to 23 years in the New York State Department of Corrections plus 5 years of post-release supervision for the death of Marcus Bennett. On the night of June 16, 2022, Christopher Williams accosted Marcus Bennett and an argument ensued during a party in the backyard at a residence on Sixth Street in the city of Rochester. Christopher Williams pulled out an illegal firearm and shot Marcus Bennett multiple times, killing him. After a thorough investigation by the Rochester Police Department, Christopher Williams was arrested in an Irondequoit residence. He was on parole at the time of the homicide and had previously removed his monitoring device. The case was prosecuted by First Assistant District Attorney Perry Duckles and Assistant District Attorney Michelle Crowley, Chief of the Grand Jury/Attorney Training Bureau.

Bobby Clegg was sentenced by New York State Supreme Court Justice Argento to the maximum sentenced of 2-4 years in the New York State Department of Corrections. He was previously convicted by a jury of Criminal Possession of Stolen Property in the 4th Degree. This case was investigated by the Irondequoit Police Department and prosecuted by Assistant District Attorney Kaylee Rizzari, of the General Felony Bureau and Assistant District Attorney Emily Chisholm, of the Major Felony Bureau.

Acting Monroe County Court Judge Healy sentenced 30-year-**Timothy Brown** to Life in the New York State Department of Corrections without the possibility of Parole. He was previously convicted by a jury of two counts of Murder in the 1st Degree, two counts of Murder in the 2nd Degree, and two counts of Criminal Possession of a Weapon in the 2nd Degree for the murders of Tywan Harper and Malakai Smith. On November 11, 2021, Rochester Police Officers responded to an apartment building on Chestnut Street in the City of Rochester after multiple people called 911, reporting that gunshots were fired inside the building. Upon arrival, the officers found 19-year-old Malakai Smith shot to death and 22-year-old Tywan Harper shot and beaten to death inside a stairwell in the apartment building. After a thorough investigation, the Rochester Police Department identified Timothy Brown as responsible for the double homicide. Timothy Brown was arrested for the murders on December 14, 2021. The case was prosecuted by Assistant District Attorney Michael Robertson, Deputy Chief of the Special Victims Unit.

Keith Bryant was sentenced by Monroe County Judge Hahn to the maximum 3.5-years in the New York State Department of Corrections. He was originally convicted by Monroe County Court Judge Morrison of Burglary in the 3rd Degree following a bench trial. This case was investigated by the Gates Police Department and prosecuted by Assistant District Attorney Emily Chisholm, of the Major Felony Bureau.

Monzellius Sims, Jr. was sentenced by New York State Justice Schiano to 8 years in the New York State Department of Corrections. He was previously convicted by Justice Schiano of Criminal Possession of a Weapon in the 2nd Degree and Criminal Possession of Stolen Property in the 7th Degree following a bench trial. This case was investigated by the New York State Police and prosecuted by Assistant District Attorney Emily Chisholm, of the Major Felony Bureau.

Stephan Jefferson was indicted on Murder in the 2nd Degree and two counts of Criminal Possession of a Weapon in the 2nd Degree in relation to the shooting death of Dwayne Hall on July 12, 2023. This case is being prosecuted by Assistant District Attorney Patrick Gallagher, Chief of the Domestic Violence Bureau and Assistant District Attorney Brandon Gonzalez, of the Major Felony Bureau.

Christopher Gillespie was indicted on 16 counts of Promoting a Sexual Performance by a Child and 10 counts of Possessing a Sexual Performance of a Child. This case is being prosecuted by Assistant District Attorney Kevin Sunderland, of the Special Victims Unit.

Adam Foss was indicted on two counts of Driving While Intoxicated and Aggravated Driving While Intoxicated in relation to a vehicular incident on February 25, 2023. This case is being prosecuted by Assistant District Attorney Kelly Pettrone, of the Vehicular Crimes Bureau.

Juan Acosta was indicted on Criminal Possession of a Weapon in the 2nd Degree and Criminal Possession of a Weapon in the 3rd Degree in relation to an illegal weapon possession. This case is being prosecuted by Assistant District Attorney Tony DiPerna, of the Special Investigations Bureau.

Carlos Santiago was indicted on two counts of Criminal Contempt in the 1st Degree, two counts of Criminal Obstruction of breathing or Blood Circulation, three counts of Endangering the Welfare of a Child, two counts of Criminal Contempt in the 2nd Degree, Stalking in the 4th Degree, and two counts of Tampering with a Witness in the 4th Degree for multiple domestic incidents. This case is being prosecuted by Assistant District Attorney Jonathan Francisco, of the Domestic Violence Bureau.

Adam Schafer was indicted on Vehicular Assault in the 1st Degree, Assault in the 2nd Degree, four counts of Driving While Ability Impaired by Drugs, and Driving While Ability Impaired by the Combined Influence of Drugs or of Alcohol and any Drug or Drugs in relation to a vehicular assault on March 17, 2023. This case is being prosecuted by Assistant District Attorney Drew Kroft, of the Vehicular Crimes Bureau.

Jaheem Kinney was indicted Criminal Possession of a Weapon in the 2nd Degree in relation to an illegal firearm possession on November 6, 2021. This case is being prosecuted by Assistant District Attorney Jennifer Hyatt, Deputy Chief of the Special Investigations Bureau.

Lavon Gant was indicted on Assault in the 2nd Degree in relation to a domestic assault on January 7, 2023. This case is being prosecuted by Assistant District Attorney Aaron Rath, of the Domestic Violence Bureau.

Ebony Barnes and **Charles Dozier** were indicted on Assault in the 3rd Degree in relation to a physical assault on July 8, 2023. Charles Dozier was also indicted on Strangulation in the 2nd Degree in relation of the strangulation of the same victim. This case is being prosecuted by Assistant District Attorney Kristina Hinkley, of the Domestic Violence Bureau.

Justin Blanks was indicted two counts of Driving While Intoxicated and Criminal Possession of a Controlled Substance in the 5th Degree in relation to a Vehicular incident on April 19, 2023. This case is being prosecuted by Assistant District Attorney Ryan Mulcahy, of the Vehicular Crimes Bureau.

Paul Moreno was indicted on two count of Driving While Intoxicated in relation to a vehicular incident on May 7, 2023. This case is being prosecuted by Assistant District Attorney Janna Koch, of the Vehicular Crimes Bureau.

MCDA in the Community

Staff from the Monroe County District Attorney's Office attended the golf tournament fundraiser for the Center for Youth. One of the Center for Youth's many programs includes Rochester Teen Court, which is a diversion program for nonviolent offenders. Defendants participate voluntarily in this sentencing court after accepting responsibility for their actions in a traditional courtroom. Local judges preside over the proceedings, and teen jurors recommend sentencing.



MCDA in the News

<https://www.democratandchronicle.com/story/news/2023/07/26/jailyn-johnson-pleads-guilty-in-death-of-jamere-wade-in-rochester-ny/70467953007/>

<https://13wham.com/news/local/genesee-street-fatal-shooting-fight-indictment-indicted-stephan-jefferson-dwayne-hall-rochester>

<https://www.rochesterfirst.com/rochester/suspect-pleads-guilty-in-fatal-peckham-street-shooting/>

<https://www.democratandchronicle.com/story/news/2023/07/27/christopher-williams-sentenced-shooting-death-marcus-bennett-rochester-ny/70475436007/>

<https://13wham.com/news/local/man-pleads-guilty-to-fatally-shooting-15-year-old-boy-in-rochester#>

<https://13wham.com/news/local/christopher-williams-rochester-sixth-street-party-shooting-backyard-marcus-bennett-kenneth-johnson-roycroft#>

https://news.yahoo.com/man-sentenced-2022-shooting-death-105255234.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLnNvbS8&guce_referrer_sig=AQAAAC_dDRTxmuzunr61KqDdW9Etn1ejUq4sx

[24ml6cDKDgNyftvphgvfEWQ1618tnEgaevkgthU YD7dAZS6y vAHvHgBF y6ab
qZYG8VrRdF4WvhrxTXN24GggzNDE t5BmCayS7HIIU0-
gPuEwIQeU1HeNTBrNAGCO7grHTdZ0zk1](https://www.democratandchronicle.com/story/news/2023/07/26/james-krauseneck-conviction-1982-brighton-ax-murder-may-get-tossed-out/70468028007/)

[https://www.democratandchronicle.com/story/news/2023/07/26/james-
krauseneck-conviction-1982-brighton-ax-murder-may-get-tossed-
out/70468028007/](https://www.democratandchronicle.com/story/news/2023/07/26/james-krauseneck-conviction-1982-brighton-ax-murder-may-get-tossed-out/70468028007/)

[https://13wham.com/news/local/family-of-convicted-brighton-ax-murderer-
vows-to-pursue-appeal-amid-courts-latest-decision#](https://13wham.com/news/local/family-of-convicted-brighton-ax-murderer-vows-to-pursue-appeal-amid-courts-latest-decision#)

[https://13wham.com/news/local/henrietta-microtel-prostitution-kidnapping-
sex-trafficking-not-guilty-plea-rochester-cordell-brooks-shuntiayana-sims#](https://13wham.com/news/local/henrietta-microtel-prostitution-kidnapping-sex-trafficking-not-guilty-plea-rochester-cordell-brooks-shuntiayana-sims#)

[https://spectrumlocalnews.com/nys/rochester/news/2023/07/20/potentially
-more-victims-in-alleged-henrietta-sex-trafficking-case](https://spectrumlocalnews.com/nys/rochester/news/2023/07/20/potentially-more-victims-in-alleged-henrietta-sex-trafficking-case)



We are hiring attorneys! If you are a recent law school graduate or an experienced attorney and are interested in a career in criminal law and public service, apply with us today! More information is available on monroecounty.gov/da.